

### **REMARKS / DISCUSSION OF ISSUES**

The present amendment is submitted in response to the Non-Final Office Action mailed April 28, 2009. In view of the remarks to follow, reconsideration and allowance of this application are respectfully requested.

#### ***Status of the Claims***

Upon entry of the present amendment, claims 1-20 will remain pending in this application. Claims 16 and 19 have been amended. Applicants respectfully submit that no new matter is added by the present amendments.

#### ***Interview Summary***

Applicants appreciate the courtesy granted to Applicant's attorney, Michael A. Scaturro (Reg. No. 51,356), during a telephonic interview conducted on Monday, February 8, 2010. During the telephonic interview, Applicant's attorney inquired to discuss a previously submitted agenda including proposed amendments to claims 16 and 19. The Examiner acknowledged that the proposed claim amendments to independent claims 16 and 19, as presented by Applicant's attorney, appear to overcome the cited references. The Examiner stated that the entire application appeared to be allowable. The Examiner will call Applicant's attorney if necessary to resolve any remaining issues that may arise subsequent to conducting internal discussions with the Examiner's Supervisor.

#### ***Allowable Subject Matter***

Applicant wishes to thank the Examiner for indicating that Claims 1-15 are allowed and that Claim 20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Claim Rejections under 35 U.S.C. §103(a)***

The Office has rejected Claim 16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,974,583 ("Joo") in view of U.S. Patent No. 6,049,892 ("Casagrande"). Applicants respectfully traverse the rejection.

Independent Claim 16 has been amended herein to better define Applicant's invention over the combination of Joo and Casagrande. In particular, pursuant to Applicant's attorney discussion with the Examiner during the formal interview conducted on Monday, February 8, 2010, the Examiner agreed that the amendments to Claim 16, which mirror the previously made amendments to allowable claim 1 appear to overcome the cited references, alone and in combination. Hence, claim 16 is allowable.

As similarly argued with respect to claim 1, Applicants respectfully submit that the cited portions of Joo and Casagrande, considered individually or in combination, fail to disclose or suggest the specific combination of claim 16, as amended. For example, the cited portions of Joo fail to disclose or suggest at least the limitation, *"the controlling means being configured to ....issue instructions to said sending means to issue a download request over a network for downloading error correcting information for correcting the error according to the determined error type"*, as recited in claim 16.

In contrast to claim 1, Joo discloses an error correcting method for correcting errors by efficiently obtaining the coefficients of an error location polynomial from syndrome values. In accordance with the method of Joo, a determination is made regarding whether syndromes are all zeros, or if at least one syndrome is non-zero for calculating coefficients of the error location polynomial. However, as admitted by the Office at page 6 of the Office Action, Joo does not explicitly disclose a sending means for sending a download request for downloading the respective error correcting information according to the type of error. Accordingly, Joo does not disclose or suggest, *"the controlling means being configured to ....issue instructions to said sending means to issue a download request over a network for downloading error correcting information for correcting the error according to the determined error type"*, as recited in claim 16.

The secondary reference, Casagrande, is cited by the Office to cure a deficiency in Joo. Specifically, Casagrande is cited for disclosing a process and apparatus for downloading data

from a server computer to a client computer including a sending means to send a download request for downloading the respective error correcting information according to the type of error. However, Casagrande does *not* send a download request for downloading the respective error correcting information *according to the error type*. Casagrande *only* detects the amount of data successfully received at a client. Then, when an error is detected that terminates the download, the download is automatically restarted by initiating a second download by sending a request for the data file to the server computer, wherein the request specifies the amount of data successfully received in the first download. *See* Casagrande, col. 4, lines 19-29. It is respectfully submitted that initiating a second request and specifying only the amount of data successfully received in a first download is **different from** *issuing, an instruction to issue a download request over a network to download error correcting information over said network, according to the error type determined at a determining step (i.e., at least one of a physical error and a logical error)*. Accordingly, Casagrande does not disclose or suggest, *“the controlling means being configured to .....issue instructions to said sending means to issue a download request over a network for downloading error correcting information for correcting the error according to the determined error type”*, as recited in claim 16.

Thus, the cited portions of Joo and Casagrande, considered individually or in combination, do not disclose or suggest, *“the controlling means being configured to .....issue instructions to said sending means to issue a download request over a network for downloading error correcting information for correcting the error according to the determined error type”*, as recited in claim 16. Hence, claim 16 is allowable.

## II. *Claims 17-18 are Allowable*

The Office has rejected Claims 17-18 under 35 U.S.C. §103(a) as being unpatentable over Joo in view of Casagrande and further in view of Applicants Admitted Prior Art (APA). Applicants respectfully traverse the rejections.

As explained above, the cited portions of Joo and Casagrande, considered individually or in combination, do not disclose or suggest each and every element of claims 16 from which

claims 17-18 depend, respectively. Applicants' Admitted Prior Art (APA) does not disclose each of the elements of claims 16 that are not disclosed by Joo and Casagrande. For example, Applicants' Admitted Prior Art (APA) does not disclose or suggest *"the controlling means being configured to ... ..issue instructions to said sending means to issue a download request over a network for downloading error correcting information for correcting the error according to the determined error type"*, as recited in claim 16.

Thus, the cited portions of Joo, Casagrande and APA, considered individually or in combination, do not disclose or suggest at least the limitation, *"the controlling means being configured to ... ..issue instructions to said sending means to issue a download request over a network for downloading error correcting information for correcting the error according to the determined error type"*, as recited in claim 16. Therefore, claims 17-18 are allowable over the asserted combination of Joo, Casagrande and APA.

### III. ***Claims 19 and 20 are Allowable***

The Office has rejected Claims 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over APA in view of Casagrande. Applicants respectfully traverse the rejections.

The above reasoning with regard to the 103 rejection of claim 16 applies with equal force to claim 19, which also recites, *"the controlling means being configured to ... ..issue instructions to said sending means to issue a download request over a network for downloading error correcting information for correcting the error according to the determined error type"*.

As to claim 19, the rejection is understood to be based on the premise that APA in view of Casagrande disclose a player, comprising a reading means, a controlling means, a sending means, a receiving means and a decoding means, wherein the reading means is used to read out content; the controlling means is used to determine the presence of any defect part in the read out content, and to control the *sending means to send a download request for downloading the respective defect parts*, and to add the defect part received by the receiving

means from the network to the read content to provide a corrected content; and the decoding means is used to decode and play the corrected content.

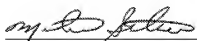
Applicant understands Casagrande to be cited as allegedly providing the teaching of sending means to send a download request for downloading the respective defect parts; however, as discussed above, Casagrande *only* detects the amount of data successfully received at a client. Then, when an error is detected that terminates the download, *the download is automatically restarted* by initiating a second download by sending a request for the data file to the server computer, wherein the request specifies the amount of data successfully received in the first download. See Casagrande, col. 4, lines 19-29. In other words, the second request is to receive the data file from the point at which the error occurred during the first download. It is respectfully submitted that the second request in Casagrande is **not for the respective defect parts, but is instead for the remainder of the data file not successfully downloaded in the first download**. Hence, claim 19 is allowable and claim 20 is allowable, at least by virtue of its respective dependence from claim 19.

### Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-20 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Belk, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-945-6000.

Respectfully submitted,



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